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January 3, 2002

Department of Fish and Game,  
Portola Field Office  
Julie Cunningham  
PO Box 1858  
Portola, CA 96122

RE: Detonation Cord for Control of Northern Pike Population at Lake Davis

Dear Ms. Cunningham:

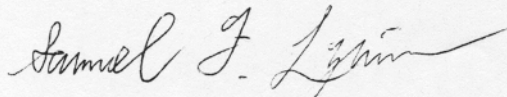
Thank you for supplying the Northern Sierra Air Quality Management District (District) with information on the proposed use of detonation cord (PETN) to control northern pike at Lake Davis during 2002, 2003 and 2004.

Based on the information you have supplied, it appears that the project will not require a permit from the District. The scope of the project is understood to be approximately 60 acres of treatment in 2002 and up to 300 acres per year in 2003 and 2004. Assuming the type of cord and general methodology remain as described in the materials you provided to the District, this permit exemption can be applied to an area of up to 800 acres per year. If an area larger than this is to be treated in a given year, you must file an Authority to Construct application with the District. In addition, certain circumstances could potentially necessitate your acquisition of a permit from the District, such as valid complaints from the public, additional information regarding the toxicity or quantity of project emissions, or revisions to applicable legislation.

Note that District Rule 226: Dust Control does apply to the project. Enclosed is a copy of this regulation, for your convenience. Under the regulation, you are obliged to take reasonable precautions to minimize dust emissions from the project. For example, if the associated vehicle and machinery traffic are observed to produce a large quantity of dust, it may be necessary to reduce vehicle speed or to use a water truck to water the access roads and project area.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Samuel F. Longmire,  
Air Pollution Control Specialist

Cc: Joe Milton, DFG Legal Department 1416 9<sup>th</sup> St., Sacramento, CA 95814  
Banky Curtis, DFG 1701 Nimbus Rd., Rancho Cordova, CA 95670

Enclosure: Rule 226

## RULE 226

### DUST CONTROL

#### RULE 226     DUST CONTROL

#### PART 1.0     GENERAL

##### 1.1     Purpose

The purpose of this rule is to reduce and control fugitive dust emissions to the atmosphere.

##### 1.2     Applicability

This rule shall apply to any person engaged in:

- a.     Dismantling or demolition of buildings;
- b.     Public or Private Construction;
- c.     Mining;
- d.     Processing of solid bulk materials (i.e., sand, gravel, rock, dirt, sawdust, ash, etc.)
- e.     Operation of machines or equipment;
- f.     Operation and use of unpaved parking facilities;
- g.     Operation and use of livestock and/or horse arenas;
- h.     Operation of feed lots;
- i.     Operation and use of raceways for animals or motor vehicles.

##### 1.3     Exemptions:

The requirements set forth in Part 3.0 - Standards do not apply to commercial agricultural operations.



**Land Preparation:**

Any preparation of land for anthropogenic (human) purposes, including brush or timber clearing, grubbing, scraping, ground excavation, land leveling, or grading.

**Operation:**

Any activity, process, or project described in the applicability sections of the Rules of this Regulation.

**Owner/Operator:**

Includes, but is not limited to, any person who leases, supervises, or operates equipment, in addition to the normal meaning of owner or operator.

**Palliative:**

Any dust control agent used to lessen or reduce dust emissions.

**Particulate Matter:**

Any material emitted or entrained into the air as liquid or solid particulates, with the exception of uncombined water. (For PM-10, refer to Definition).

**Paved Roads:**

An improved street, highway, alley, public way, or easement that is covered by concrete, asphaltic concrete, asphalt, or other materials which provide a permanent stable surface.

**Person:**

Any individual, public and private corporation, government agency, partnership, association, firm, trust, estate, or any other legal entity which is recognized by law as the subject of rights and duties.

**PM-10:**

Particulate matter with an aerodynamic diameter smaller than or equal to a nominal ten (10) microns as measured by the applicable State and Federal reference test methods.

**Reasonably Available Control Measures:**

Techniques used to limit the emission and/or airborne transport of fugitive dust from a site including: application of water, chemical

## **PART 3.0     STANDARDS**

### **3.1     General Requirements:**

Any person shall take all reasonable precautions to prevent dust emissions. Reasonable precautions may include, but are not limited to, cessation of operations, cleanup, sweeping, sprinkling, compacting, enclosure, chemical or asphalt sealing, and use of wind screens or snow fences.

- A.     No person may disturb the topsoil or remove ground cover on any real property and thereafter allow the property to remain unoccupied, unused, vacant or undeveloped unless reasonable precautions are taken to prevent generation of dust. A dust control plan must be submitted to and approved by the Air Pollution Control Officer before topsoil is disturbed on any project where more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. In the dust control plan, the Air Pollution Control Officer may require use of palliatives, reseeding, or other means to minimize windblown dust.
- B.     For any proposed development, division of land, special use permit application of zone change, the Air Pollution Control Officer may require the applicant to submit soils data and any other pertinent data for the area in which the development is proposed.
- C.     If a determination is made that the disturbance (per 3.1.A.) or development (per 3.1.B.) of the site may cause the generation of dust, the Air Pollution Control Officer may require:
  - 1.     Phased clearing of the land;
  - 2.     The use of palliatives;
  - 3.     The use of water;
  - 4.     The use of snow fencing;
  - 5.     The use of wind screen;
  - 6.     Reseeding;
  - 7.     Controls of single lot development approved as a part of a land subdivision subject to these regulations.

After commencement of development, if the approved elements of the dust control plan prove ineffective, the Air Pollution Control Officer may require additional control measures to be instituted. Phasing will not be required as a control strategy after a project is under construction.



Any material which is tracked onto a paved roadway must be removed (swept or washed) as quickly and as safely as possible. Exceptions to this provision may be made by the Air Pollution Control Officer for the construction, maintenance, and/or repair of paved roadways and for the application of de-icing and traction materials for wintertime driving safety.

#### **PART 4.0**     **ADMINISTRATIVE REQUIREMENTS**

##### **4.1**     **Correction of Condition:**

If the Air Pollution Control Officer documents that a person is in non-compliance with any of the provisions contained in Subsection 3.1, he will notify the person of that fact and specify a period of time in which the person must achieve compliance. Failure to comply within 24 hours or as the time determined by the Air Pollution Control Officer constitutes grounds for a Notice of Violation (NOV) citation per the District Enforcement Policy.

##### **4.2**     **Remedial Action:**

The Air Pollution Control Officer, after proper notice, may enter upon any real property where dust is being generated and take such remedial and corrective action as he deems necessary.

##### **4.3**     **Costs:**

Any costs incurred in connection with any remedial or corrective action taken by the Air Pollution Control Officer, pursuant to this section, shall be assessed against the owner of the property involved. Failure to pay the full amount of such incurred costs shall result in a lien against the property. The lien shall remain in effect until all costs have been fully paid, which may include, but are not limited to, cost of collection and reasonable attorney fees.